

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY
OF LOS ANGELES**

**PROJECT NUMBER R2008-00138-(5)
CONDITIONAL USE PERMIT NO. 200800014-(5)**

REQUEST:

The applicant is requesting a Conditional Use Permit to authorize the sale of alcoholic beverages (beer and wine) for on-site consumption in conjunction with a proposed new restaurant to be located in an existing building located in the C-3 (Unlimited Commercial) Zone.

REGIONAL PLANNING COMMISSION HEARING DATE: February 4, 2009

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the sale of alcoholic beverages (beer and wine) for on-site consumption in conjunction with a proposed new restaurant to be located in an existing building located in the C-3 (Unlimited Commercial) Zone.
2. The subject property is located at 47904 90th St West in the Antelope Valley West Zoned District.
3. The 2.3 acre subject property is flat and rectangular in shape. The property is currently developed with an existing one-story commercial building proposed for restaurant use, 23 parking spaces, a single family residence in the rear of the property with accessory structures.
4. Surrounding properties are zoned as follows:

C-3 (Unlimited Commercial) to the North
R-3 (Limited Multiple Residence) to the South
C-3 (Unlimited Commercial) to the West
A-1-1 (Light Agricultural, Minimum 1 Acre Lot Size) to the East
5. Land uses within 500 feet of the subject property consist of the following:
North: markets, utility company substation, single family residential and vacant
South: vacant and single family residential
West: single family residential and vacant
East: community center, vacant, single family residential
6. The land use radius map submitted by the applicant indicates that there are two locations that sell alcohol within a 600' radius of the subject property. The two

locations sell a full line of alcoholic beverages for off-site consumption. There is no other establishment within a 600' foot radius for on-site consumption.

7. The subject property is zoned C-3 (Unlimited Commercial) and R-1-1 (Light Agricultural, Minimum 1 Acre Lot Size)
8. The subject property is designated as "N-1" - Non-Urban in the Countywide General Plan. Non-residential uses in non-urban areas may be allowed provided that the application process includes the public hearing process and appropriate conditioning of the design of the project such that the negative impacts on adjacent uses will be minimized. Local and highway oriented commercial uses to serve the needs of local residents and travelers can be allowed, pursuant to the development guidelines for non-residential uses in non-urban areas (page VI-5 and VI-24). The sale of beer and wine for on-site consumption, in conjunction with a restaurant, can be found consistent with the Non-Urban 1 category.
9. The applicant's site plan depicts the existing one-story commercial building measuring 1,630 square feet that the applicant proposes to use as a new restaurant and bar; the plan also shows 23 parking spaces provided in a parking lot measuring approximately 9,800 square feet. The rear portion of the lot contains an existing single-family residence measuring 1,400 square feet.
10. The proposed restaurant use in the commercial building complies with the required development standards of the C-3 zone pursuant to Section 22.28.220 of the County Code (Zoning Ordinance) as follows:

That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. The applicant's site plan depicts approximately 3 percent of the subject property occupied by buildings and 10 percent of the net commercially zoned area landscaped. The applicant's site plan is in compliance with the County Code.

That there be parking facilities as required by Part 11 of Chapter 22.52. Section 22.52.1110 of the County Code which requires 3 parking spaces per each person of the occupancy load. The applicant's site plan depicts 23 automobile parking spaces. The applicant's site plan is in compliance with the County Code's parking requirements.

All display shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit. The applicant is not proposing outside display as part of this request.

Outside storage is permitted on the rear of a lot or parcel of land when such

storage is strictly incidental to the permitted use. The applicant is not proposing outside storage as part of this request.

11. On December 23, 2008, public hearing notices were mailed out to property owners within 1000 feet of the subject property; the Department of Alcoholic Beverage Control was also notified of the hearing. Advertisements were submitted for publication to in the Antelope Valley Press on the same dates. Case-related material, including the hearing notice, factual and burden of proof were sent on the same date the Lancaster Public Library. According to the applicant, the hearing notice was posted on the property 30 days prior to the public hearing.
12. Staff has received a letter stating no position on the proposed use from the Los Angeles County Sheriff.
13. The applicant has submitted a petition with approximately 120 signatures expressing support in favor of the proposed restaurant.
14. Six emails in opposition to this project have been received and presented to the Commission. Numerous letters of opposition have been submitted to the California Department of Alcohol and Beverage Control in opposition to the applicant's application.
15. An undue concentration of Type 42 (On-Sale Beer and Wine) licenses exists within the census tract of the subject property. The Commission finds that the proposed restaurant with the sale of beer and wine would not serve the convenience and necessity within this community as there are two existing establishments within Antelope Acres.
16. The Commission finds that the applicant has not demonstrated that adequate support exists in the community for this application.
17. The Commission finds that, it will not be possible to place appropriate restrictions on operation of the proposed use to ensure that it will be compatible with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

Pursuant to Los Angeles County Code Section 22.56.195 the applicant has **NOT** met the burden of proof requirements for alcoholic beverage sales.

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any

similar use within a 600-foot radius;

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;
4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;
5. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under consideration within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200800014-(5) is **DENIED** subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

AS
January 22, 2009